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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 51298-00004 US U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 107529108
INTERNATIONAL APPLICATION NO. PCT/US2003/030902	INTERNATIONAL FILING DATE 29 September 2003	PRIORITY DATE CLAIMED 27 September 2002
TITLE OF INVENTION IMPLANTABLE STENT WITH MODIFIED ENDS		
APPLICANT(S) FOR DO/EO/US MEDLOGICS DEVICE CORPORATION		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input checked="" type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information: Cited references; PTO/SB/08A		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/529108		PCT/2003/030902		51298-00004 US	
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$ 100.00	
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500				\$ 100.00	
TOTAL OF 21, 22 and 23 =				\$ 500.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
95 - 100 =	0 /50 =	0	x \$250	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	23 - 20 =	3	x \$ 50	\$ 150.00	
Independent claims	4 - 3 =	1	x \$200	\$ 200.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 850.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$ 425.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 425.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 425.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>50-3207</u> in the amount of \$ <u>425.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-3207</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Customer Number: 48,423</p>					
				<p><i>Michelle S. Glasky</i></p> <p>SIGNATURE</p> <p>Michelle S. Glasky</p> <p>NAME</p> <p>54,124</p> <p>REGISTRATION NUMBER</p>	

JC17 Rec'd PCT/PTO 24 MAR 2005
107529108

CERTIFICATE OF MAILING

I hereby certify that on 3/24/05, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in accordance with 37 C.F.R. § 1.8(a) with sufficient postage in an envelope addressed to: Mail Stop Petition, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450

Maria Nadal

Maria Nadal

Applicant: James C. Peacock III et al.
Serial No.: Unassigned
Filed: Unassigned
Title: IMPLANTABLE STENT WITH
MODIFIED ENDS

Art Unit: Unassigned
Atty Docket No.: 51298-00004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PETITION TO MAKE SPECIAL FOR APPLICATIONS RELATING TO BIOTECHNOLOGY FILED BY
APPLICANTS WHO ARE SMALL ENTITIES UNDER 37 CRF 1.17(h)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions to make this application special because a small entity status has been established, and the subject of the patent application is related to biotechnology and is a major asset of the small entity. The development of the technology will be significantly impaired if examination of the patent application is delayed.

The accompanying ☐ affidavit ☒ declaration by the

☐ applicant

☒ applicant's practitioner

explains establishment of small entity and the development of the technology will be significantly impaired if examination of the patent application is delayed.

The Commissioner is authorized to charge \$130 or any fee which may be required in connection with this Petition to deposit account No. 50-3207.

Respectfully submitted,

Dated 3/24/05

Louis C. Cullman

Louis C. Cullman, Reg. No. 39,645
Customer No. 48,423

PRESTON GATES & ELLIS LLP
1900 Main Street, Suite 600
Irvine, California 92614-7319
Telephone: (949) 253-0900
Facsimile: (949) 253-0902

10/529108
JC17 Rec'd PCT/PTO 24 MAR 2005

PATENT

CERTIFICATE OF MAILING

I hereby certify that on 3/24/05, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as Express Mail in accordance with 37 C.F.R. § 1.8(a) with sufficient postage in an envelope addressed to: Mail Stop Petition, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450


Maria Nadal

Applicant: James C. Peacock III et al.

Serial No.: Unassigned

Filed: Unassigned

Title: IMPLANTABLE STENT WITH
MODIFIED ENDS

Art Unit: Unassigned

Atty Docket No.: 51298-00004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION OF LOUIS C. CULLMAN

REGARDING PETITION TO MAKE SPECIAL FOR APPLICATIONS RELATING TO BIOTECHNOLOGY
FILED BY APPLICANTS WHO ARE SMALL ENTITIES UNDER 37 CFR 1.17(h)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, Louis C. Cullman, am an intellectual property attorney with the firm of Preston Gates & Ellis LLP. I have been Medlogics Device Corporation's attorney since January 1, 2003.

2. The Applicant respectfully requests that this Petition to Make Special be granted based on the significant improvement in patient therapy that will result from the biologically active agent-eluting medical devices disclosed in this invention's compositions and associated methods. Examples of biologically active agents include cytostatic compounds, cytotoxic compounds and nucleic acids.

3. The present application specifically pertains to the site-specific delivery of biologically active agents from medical devices including the delivery of biologically active agents to blood vessel walls from medical devices, particularly cardiac stents. Biologically active agent-eluting cardiac stents are expected to significantly improve the standard of care and treatment of coronary artery disease and aneurysms. The

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biologically active agent technology being developed by Medlogics Device Corporation to deliver these biologically active agents are applicable to a wide range of medical devices.

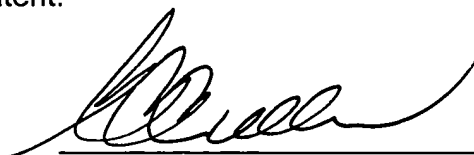
4. The inventors of the present methods and compositions for creating novel biologically active agent-eluting medical devices have made significant advances in the development of this technology. Those skilled in the art will appreciate that the ability to release biologically active agents locally from medical devices is a significant improvement in the art and will provide improved therapeutics for treatment of human disease.

5. The invention disclosed in the present patent application is a major asset of Medlogics Device Corporation.

6. As a small entity biotechnology company, Medlogics Device Corporation receives its research funding from private individuals and venture capital funds. The firm's intellectual property is the key asset on which this funding depends and therefore the firm's continued research funding for this important invention is dependent on the timely issuance of a United States Patent on the invention.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified patent.

Dated: 3/24/05



Louis C. Cullman
Registration Number 39,645

10/529108

Certificate of Express Mail under 37 CFR 1.10

EV 276062748 US JC17 Rec'd PCT/PTO 24 MAR 2005

I hereby certify that this correspondence is being Express Mail to the United States Patent and Trademark Office

On 3/24/05
Date


Signature

Michelle S. Glasky

Type or printed name of person signing Certificate

34,124
Registration Number, if applicable

949-253-0900
Telephone Number

Papers Submitted:

1. Transmittal Letter to US Designated Office (2 pgs)
2. ADS (3 pgs)
3. Declaration (2 pgs)
4. POA (1 pg)
5. Pre. Amend. (11 pgs)
6. Petition to Make Special (1 pg)
7. Dec. of Louis Cullman (2 pgs)
8. PTO/SB/08A
9. IDS (2 PGS)
10. Cited references
11. Postage paid pc.